

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

CHARLES LOBELLO,

Defendant(s).

2:10-CR-324 JCM (NJK)

ORDER

Presently before the court is defendant Charles C. Lobello's unopposed motion for a recommendation of furlough. (Doc. # 57).

The court gave the government the opportunity to respond to defendant's motion, and the government has elected not to respond. The government does not oppose the request.

Defendant's father died unexpectedly on Friday, May 10, 2013. The funeral is scheduled for May 23, 2013, in Las Vegas, Nevada. Defendant wishes to attend the funeral of his father, even though he is currently incarcerated.

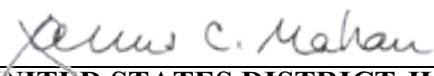
Generally, the discretion to allow a prisoner a furlough to attend the funeral of a family member is within the sole discretion of the Bureau of Prisons. *See* 28 C.F.R. § 570.30 ("Under the furlough program, the Bureau allows inmates who meet certain requirements to be temporarily released from custody under carefully prescribed conditions."); *see also Bowser v. Vose*, 968 F.2d 105- 106-07 (1st Cir. 1992) ("It is clear that the denial of a furlough implicates no inherent liberty interest.").

1 Defendant is requesting that he be allowed to leave Sheridan FCI on May 22, 2013, to attend
2 the funeral, and then be required to return on May 26, 2013. Due to the unique circumstances in this
3 situation, the court recommends to the Bureau of Prisons that a furlough be granted from May 22,
4 2013, to May 26, 2013, in order to allow defendant to attend his father's funeral scheduled for May
5 23, 2013.

6 Accordingly,

7 IT IS HEREBY, ORDERED, ADJUDGED, AND DECREED that defendant's unopposed
8 motion for a recommendation of a furlough (doc. # 57) be, and the same hereby, is GRANTED.

9 DATED May 16, 2013.

10
11 
12 **UNITED STATES DISTRICT JUDGE**